

1908, ch. 101.

113. Nothing contained in the two preceding sections is intended as, or shall be taken to be, an interpretation of existing law.

Non Compos Mentis.

1904, art. 16, sec. 107. 1888, art. 16, sec. 96. 1860, art. 16, sec. 79.
1785, ch. 72, sec. 6. 1815, ch. 163.

114. The court shall have full power and authority, in all cases, to superintend and direct the affairs of persons *non compotes mentis*, both as to the care of their persons and the management of their estates, and may appoint a committee, or a trustee or trustees for such persons, and may make such orders and decrees respecting their persons and estates as to the court may seem proper.

Generally.

The respondent is entitled to notice of the proceedings, and to be present before the jury, save in exceptional cases. *Royal Arcanum v. Nicholson*, 104 Md. 472. And see *Campbell's Case*, 2 Bl. 209.

Although the court cannot dispose of the person or estate of a citizen without his having been adjudicated insane, yet under certain circumstances, the court will protect both, prior to such adjudication. *Owings' Case*, 1 Bl. 290.

The jurisdiction of equity under this section depends upon the party being *non compos*. Such jurisdiction can not be exercised without the precautions required by law. *Greenwade v. Greenwade*, 43 Md. 315.

The term "*non compos mentis*," defined. Where a person is originally adjudged insane, the burden is on him subsequently to prove sanity. *Johnson v. Safe Deposit Co.*, 104 Md. 467; *Greenwade v. Greenwade*, 43 Md. 315.

The matter of the appointment of a committee is within the discretion of the equity court, and no appeal lies: considerations which should influence that discretion. Sometimes the lunatic's person may be committed to one party, and his property to another. *Colvin's Estate*, 3 Md. Ch. 278. And see *Morgan's Case*, 3 Bl. 332; *Boarman's Case*, 2 Bl. 89.

The death of a lunatic terminates the office of the committee, and the equity court will order the estate passed over to the decedent's representatives. *Calm v. Warford*, 3 Md. 461; *Colvin's Estate*, 3 Md. Ch. 278.

The writ *de lunatico inquirendo* should be directed to the county in which the respondent resides, or, if he is a non-resident, to the county in which he last resided or in which the principal part of his estate lies. *Campbell's Case*, 2 Bl. 217.

This section does not prevent a lunatic from being sued at law, and judgment being entered against him. *Stigers v. Brent*, 50 Md. 220. And see *Tomlinson v. Devore*, 1 Gill, 347.

History of this section. This section referred to in construing section 116—see notes thereto. *Hamilton v. Traber*, 78 Md. 32.

This section referred to in construing sections 118 and 121—see notes thereto. *Estate of Dorney*, 59 Md. 69.

Cited but not construed in *Williams' Case*, 3 Bl. 192.

Cross references.

As to non-resident *non compos*, see sec. 125.

As to decrees of specific performance against non-resident *non compos*, see sec. 126.

As to the jurisdiction of equity to decree relative to mortgaged property owned by *non compos*, see sec. 99.

As to the jurisdiction of equity to decree relative to property of a *non compos* which is subject to a contract, see sec. 100.

As to the sale of the real estate of a *non compos* to save personality, see sec. 101.

As to the procedure upon a bill of review in the interest of *non compos*, see sec. 179.